

INSTRUCTION NO. [1-017(a)]

[Evidence: Solely Circumstantial, 2003]

[To replace Instruction 1-017(a) in the MCJI 1999 edition]

When circumstantial evidence is susceptible to two interpretations, one that supports guilt and the other that supports innocence, the jury determines which is most reasonable.

GIVEN: _____
District Judge

Source: MCJI 1-017(a) (2004 replacement)

Plaintiff's Proposed Instruction No. _____ Defendant's Proposed Instruction No. _____

Given as Instruction No. _____ Refused _____ Withdrawn _____ By _____

[Circumstantial Evidence Replacement Instruction. Source and Comments]

SOURCE: State v. Bowman, 2004 MT 119

COMMENT: Cite as MCJI 1-017(a) (replacement).

 In State v. Bowman, 2004 MT 119, the Court cited and affirmed its holding in State v. Hall, 1999 MT 297, regarding the proper circumstantial evidence jury instruction. When a case involves both direct and circumstantial evidence, the proper instruction leaves to the trier of fact the determination of which interpretation is most reasonable. (In so doing, the Court stated that MCJI No. 1-1017(a) is not a correct statement of law and told "practitioners" not to use it.